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May 8, 2003

Nancy Johnson, Petitions Attorney (and via FAX to 703-308-6916)
Office of Petitions
Box DAC
Washington, DC 20231

Subject: Patent Application 09/655792, Filed August 31, 2000.

Dear Petitions Attorney:

We are concerned that our *Instant Musician, Recording Artist and Composer* patent application filed August 31, 2000 is lost in a quagmire of complex changing rules, lengthy communications and definite errors on the part of the USPTO in assessing the timing on our requested actions. Note the differences between the actual timing on our part (we have definite proof) and the incorrectly noted timing by the USPTO in the attached table.

No communications have been received from the Patent Department since we filed a response on 11/15/02 to reactivate our patent per 37 CFR 1.137 (a) pointing out the errors on the part of the USPTO in assessing our timing which was the primary reason for the Patent Department in dismissing our *Petition for Renewal* filed on 8/7/02.

Further, there also was no response to our 3/20/03 letter to the *Commissioner of Patents* wondering when we will finally receive some notification on our patent's status. If something is required on our part, please let us know so we can respond promptly. We have proven without a doubt the originality of our invention and it is taking an extraordinarily long period of time to finalize.

Please inform us on what action(s), if any, we must now take to finally finalize our *Instant Musician, Recording Artist and Composer* patent. We will be out of town until May 21, so we would appreciate some notification in writing.

Thank you.

Sincerely,

Bernard H. Browne, Jr. - Inventor

Author/Publisher of *America Online and Best Web Sites* book series

Attachment: Table 1 Summary of all communications with Patent Office.

RECEIVED

MAY 16 2003

OFFICE OF PETITIONS

Table 1**SUMMARY OF ALL OFFICE ACTIONS/COMMUNICATIONS ON APPLICATION 09/655792**
"INSTANT MUSICIAN, RECORDING ARTIST AND COMPOSER"

by Bernard H. Browne, Jr.

A. Action Item No.	B. USPTO Action Date	C. Inventor Action Date	D. USPTO Stated Date on Inventor's Action	E. Action Description
1.		8/31/00	8/31/00	Initial patent application
Revisions to Rules in the Federal Register on September 8, 2000				
2.	1/24/01			3 month reply requested for more specification detail, modification of claim(s) and comments on possible similar material in the patents of Sitrick, Aoki, et al.
3.		04/16/01		30 day extension requested along with \$55.00 paid via check.
4.		5/23/01	5/29/01	<u>Amended application</u> provided as requested in action item 2 including more detailed specification (7 pages increased to 29 pages), more drawings (11 drawings increased to 28 drawings), more detailed claims (1 multi part claim amended to 17 comprehensive claims) and well documented reasons why our patent application was different from the material in the patents of Sitrick, Aoki, et al.
5.	10/04/01			"Final Action" with 3 month reply requested relating to what appeared to be new material in our amended specification, claims, drawings; and reasons why our application didn't infringe upon patents of Sato, Farrand, Goede, Miyano and Eller.
6.		12/24/01	1/15/02	Material provided to USPTO as requested including: proof that new functional material was not added in the 05/23/01 amendment, corrections to claims and reasons why our application didn't infringe upon the inventors' material referenced above.
6a.	2/08/02			Trina at Patent Office called inventor on phone and requested a late fee of \$55.00. It was not explained what the fee covered.
7.		2/08/02	1/15/02	Inventor FAXed Trina at the Patent Office authorizing a \$55.00 charge to inventor's American Express account.
8.	2/13/02 (Final action was due 1/04/02)			Advisory action stating that the "amendment" filed on "1/15/02" did not comply with Rule 37 CFR 1.121. It was documented that "The period for reply expires 3 months from the mailing date of the final rejection."

A. Action Item No.	B. USPTO Action Date	C. Inventor Action Date	D. USPTO Stated Date on Inventor's Action	E. Action Description
9.		5/03/02	5/03/02	209 pages of patent material mailed complying with 37 CFR 1.121 within the 3 months (11 weeks and 2 days) of action 8 including marked up original material to show amendments and clean versions of the amended abstract, specification, claims and drawings both with the original figure numbers and with new figure numbers.
11.	5/23/02			Notice of abandonment stating that paper filed 5/03/02 was not filed on time.
12.		5/29/02		Letter to Assistant Commissioner of Patents explaining that the Inventor felt that the reply to the Patent Office's 2/13/02 request was due 5/13/02 because: 1) the Patent Office requested a 3 month response from the Final Action which had already expired on 1/04/02, and 2) the Patent Office requested a \$55.00 late fee on 2/08/02.
13.	6/21/02			Statement that the advisory action mailed 2/13/02 did not set a new three month shortened statutory period for a reply.
14.		6/25/02		Inventor's request for advice on what action was required to complete the patent action and more detail provided on the timing of the Inventor's actions.
15.	7/25/02			Notice that the Applicant is required to file a petition under 37 CFR 1.137 for revival of the application.
16.		8/07/02	8/12/02	Applicant files a petition under 37 CFR 1.137 (a) OR 37 CFR 1.137 (b) for revival of the application.
17.	10/03/02			Letter from petitions attorney dismissing petitions under 37 CFR 1.137 (a) AND 37 CFR 1.137 (b).
18.		11/15/02		Response to reactivate patent per 37 CFR 1.137 (a) showing errors on the part of USPTO in assessing the inventor's timing.
19.		3/20/03		Letter to Commissioner for Patents, Box DAC wondering when the patent will finally be granted.
20.		5/08/03		Letter to Nancy Johnson, Petitions Attorney, Office of Petitions, requesting some notification on the status of our patent and what, if any, actions the inventor must take to finalize our patent filed on 8/31/00.